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Closing the Loop on Regulatory Authority vs. Institutional Autonomy in an Age of Accountability

“The Government’s Role in Accreditation”

By

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Prelude

The guiding theme that has given impetus to the federal government’s continued involvement in issues of accreditation has been that the government has sought to increase its control of higher education through accreditation. As Pedersen (2005) surmises, “...the federal government has chosen to use the regional associations as a "Trojan horse" to exert greater influence on accreditation.” However, if representatives of Department of Education are asked, they will claim that the department has been motivated by an honest desire to ensure that the public is not misled by false claims of quality and value made by colleges and universities. On the contrary, most colleges and

universities would disagree, claiming that the government has been simply attempting to use accreditation to force higher education to adopt policies and practices that advance a political ideology.

Introduction

This work highlights how politics and philosophical ideology becomes innately linked to higher education whenever the government subjects the accrediting community to its ideological philosophy. While many believed that the actions of Secretary Spellings were new encroachments on the accrediting community, the authors' body of work traced a consistent pattern of how the federal government has chosen to use the regional associations as a "Trojan horse" to exert greater influence on higher education. According to Bolman and Deal (p. 185, 2003), "In traditional structural views, organizations are guided by goals and policies set at the top." The government is no exception. In tracing the government's role in accreditation, a profusion of contradictory goals and policies have been uncovered. Some emerged from a desire to win the hearts and minds of society, as in President Truman's populist promotion of vocational schools and community colleges. Others developed as a result of political ideology like the 1980s rise of the conservative movement. Yet, many emerged as a result of the government's desire to control accreditation, like in its attempted takeover in the 1992 amendments of the Higher Education Act of 1965.

Once again, another Bush Administration, through the Commission on the Future of Higher Education, called for scrapping the current system of accreditation, in favor of a National Accreditation Foundation that was to be created by Congress and the President (Dillon, S., April 12, 2006). At a symposium sponsored by the American Enterprise Institute, Charles Miller, the former Spellings Commission chairman, called for an alternative to accreditation in which investors or others interested in creating new forms of higher education would gain the ability to operate (and award federal financial aid) “prospectively,” rather than having to wait years to gain an accreditor’s imprimatur (Lederman, September 24, 2007).

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What pernicious philosophy to believe that accreditation, the American system for maintaining standards in higher education (Seldon, 1960), should be scrapped and replaced by a national government system, or even worse, as Chairman Miller suggests, an alternative form of accountability system administered by investors or others interested in creating new forms of higher education. *Why not? Let’s have a higher education system for maintaining standards that’s manipulated by investors and driven by the volatility of the stock market.* Although the topic was far from front and center in the commission’s report, the Education Department had put changes in accreditation at the fulcrum of its campaign to force higher education institutions to be more accountable to

the public (Lederman, September 24, 2006). It was quite unfortunate that the Commission on the Future of Higher Education sought to take out its rage for the Republican loss of the 2006 mid-term elections on accreditation. Had the Republicans retained control of Congress, the national discourse on the future of higher education would have been quite different, and all stakeholders would be meticulously in quest of solutions for the problem of access; cost and affordability; a broken financial aid system; evidence-based learning; transparency and accountability; and innovation in all aspects of post-secondary education.

In her issue paper, "Assuring Quality in Higher Education—Recommendations for Improving Accreditation," Vickie Schray proposed that the Secretary of Education create a National Accreditation Working Group, with broad involvement of all major accreditation stakeholders, to develop a national blueprint for transforming accreditation (Schray, 2006). Ms. Schray continues the federalization theme by proposing that the governance of the National Recognition Process adopt standards used by the Department to recognize accreditation organizations; and that the current peer review system be replaced with formally trained and certified independent reviewers that are experts in the application of national accreditation standards. This is where the Post-Modernist begs the question: "Who has the right to change whom, and with what responsibility?" In his issue paper, on behalf of Chairman Charles Miller, Robert C. Dickerson described accreditation of higher education in the United States as a crazy-quilt of activities, processes and structures that is fragmented, arcane,

and more historical than logical, which had outlived its usefulness (Dickerson, 2006). In his paper, Dickerson's proposed the creation of a new organization, in which the Congress and the President enact legislation to create The National Accreditation Foundation, operating with new standards and processes. But like most of the Issue Papers written on behalf of the Commission, this one also lacks specifics. It was irresponsible to deface the existing system of maintaining standards in higher education, and not put forth specific measures and governance structures for replacing accreditation. In short Dickerson was proposing the Federalization of accreditation.

The federalization of accreditation was certainly not a new concept – we have been here before. It was during the 1992 reauthorization of the HEA provisions that higher education leaders last witnessed the government's might, and its most punitive attack on the institutional autonomy of accreditation. In the midst of debate on the reauthorization of this 1992 Higher Education Act that Congress' hostility reached a crisis stage, threatening to bring to a close the role of accrediting agencies as gatekeepers for federal financial aid (Bloland, 2001). Congress was particularly concerned about the public accountability of institutions whose graduates had high student loan default rates. As such, Congress held accrediting agencies responsible for this state of affairs, especially the regional accrediting bodies that had gate keeping functions with regards to Title IV funds for student loans (Altmaire, 2002). Subpart 1 of Part H of the 1992 Higher Education Act amendments empowered the states in

determining the eligibility of institutions to participate in the student financial aid programs of Title IV (Bloland). Congress consequently authorized the Secretary of Education to designate one State Postsecondary Review Entity (SPREs) in each State to be responsible for the conduct and coordination of the review of institutions of higher education for the purposes of determining eligibility under Title IV (United States Statutes at Large, 1992).

Subpart 1 of Part H of the 1992 Higher Education Act amendments was quite damaging to accrediting. No accrediting agency or association was to be regarded by the Secretary to be a reliable authority as to the quality of education or training offered for the purposes of this Act or for other Federal purposes, unless the agency or association met standards established by the Secretary (United States Statutes at Large, 1992). Additionally, Subpart 1 of Part H of the 1992 Higher Education Act amendments outlined the standards and procedures to be used by the United States Department of Education (USDE) secretary to certify eligibility of institutions for Title IV funding, and gave authority to the secretary to set up a master database of accreditation, eligibility, and certification (Bloland, 2001). In the 1992 amendments, the Secretary of the Department of Education essentially functioned much like the Minister of Education in a centralized national education system like the British. The Secretary was the ultimate national authority for quality and accountability in higher education. As in the European system, the Secretary acted as a unitary authority accountable only to a head of state. In addition to accrediting duties, the SPREs were charged with monitoring federal student aid programs, assessing outcomes, and

uncovering illegal and fraudulent activities. Any, or a combination of these infractions, were considered by the Secretary to be “triggers” that indicated that an institution needed be immediately review for fraudulent activities against the federal government’s financial aid programs. Title IV, “Part H—Program Integrity Triad,” was called the flagship Statute of the 1992 Reauthorization of the 1965 Higher Education Act.

SPREs would have not gotten anywhere had it not been for at least two extremely egocentric persons who were spearheading it from the States Agencies. The true authors of SPREs were David Longanecker, then Chairman of the State Higher Education Executives Organization (SHEEO) and Don Nolan, Former Deputy Commissioner of Higher Education, Board of Regents, and New York State Department of Education. They believed that they could have done a better job than the regional accreditation agencies. Mr. Longanecker noted that most private colleges have no qualms about accepting billions of dollars a year in federal student aid, and as such we have a responsibility to taxpayers to have some system of accountability (Jaschik, May 26, 1995). However, due to a lack of available funding to transform accreditation into a government entity, the 1998 reauthorization of the Higher Education Act eliminated language authorizing State Postsecondary Review Entities, which were written into the law in 1992 to oversee postsecondary institutions (Stephen, 1998). College officials praised lawmakers for acting against the new investigative units. "This is very important, because the SPREs brought a level of federal involvement with institutional

decisions that we think is inappropriate," said Gordon A. Haaland, president of Gettysburg College (Jaschik, May 26, 1995).

Have we not learnt from the past? There is no greater example of the government's failure to federalize accreditation like the ascend and crash of SPREs. So here were the central questions to for the contemporary architects who were attempting to federalize accreditation: If the government did not rely on accrediting bodies what would happen? In the absence of the regional and specialized agencies, what would the government put in place as the American system for maintaining standards in higher education? Do we adopt a British-style centralized government higher education system, like the one being recommended by Sir Michael in which states send government and inspectors directly into schools to search for causes of poor performance, review school leadership, and suggest changes (Dillon, August 15, 2007)? Or is the solution the establishments of a federal bureaucracy like that which was proposed by the Commission on the Future of Higher Education – the National Accreditation Foundation?

Even in the face of such historical precedent, the Department of Education attempted to muscle the accreditation community -- through a series of illegal negotiated rule-making, intended to use accreditation bodies -- to carry out some of the recommendations from the Commission on the Future of Higher Education August, 2006 report (Bollag, February, 2007). The Department of Education

actions were illegal because, negotiated rule-making only occurs after the Congress legislates the Reauthorization of the 1965 Higher Education Act. In response to a barrage of criticisms, Vickie Schray, a senior department official who was leading the negotiations, said, "We felt it was worthwhile to see what could be done under current statutory authority (Bollag)." Translation: after reluctantly accepting defeat that a National Accreditation System was impossible, the Department of Education wanted to use accreditation to federalize the recommendations of the Commission on the Future of Higher Education before the Bush Administration's term runs out. When the Department of Education was conducting the three *negreg* sessions, their whole objective was to federalize accreditation, and take the responsibility for making decisions on quality and accountability, away from institutions, through accreditation agencies, and put it in the hands of the federal government. Remember, there was no Higher Education Amendments to guide the actions of the Secretary Spelling's *negreg* sessions. For that reason they had no legal standing, because the Legislative Branch has not reauthorized the 1965 Higher Education Act as yet.

In late May, 2007, just days before the rule-making process on accreditation was to conclude, Senator Lamar Alexander, Republican of Tennessee, former secretary of education and ranking minority member on the Health, Education, Labor and Pensions Committee, accused the Bush administration of "proposing to restrict autonomy, choice and competition." Alexander wrote to Secretary Spellings, telling her to leave these thorny issues to Congress. The Secretary promptly complied (Traub, September 30, 2007).

There is no dispute that serious challenges face American Higher Education. According to *Measuring Up 2006*, the United States is 7th in the world (behind Canada, Japan, Korea, Finland, Norway, and Sweden), in educational attainment of young adults (ages 25-34), and 14th internationally in college completion (*Measuring Up 2006*). However, the questions at hand were: “Who was best positioned to set standards for what students should learn, and who should establish minimum levels to measure student performance, and achievement – Colleges, accrediting bodies, or the government? Accreditation agencies responded resoundingly by siding with Dr. Eaton, that the Colleges, rather than the government or accrediting bodies, need to place greater emphasis on student-learning outcomes, and only the Colleges should decide the criteria for measuring those outcomes (Basken, April, 2007). The institution is the only entity that is in a position to deal with this issue of quality -- whether you’re determining program outcomes, institutional effectiveness, student learning outcomes, student achievement, it’s the institution, and not the accrediting bodies. The accreditation agencies are just there to assure quality – to make sure that the institutions have protocol standards in place so that a judgments about the extent to which institutions are meeting the requirements are assessed.

In tracing the government’s role in accreditation, a profusion of contradictory goals and policies have been uncovered. Even though the Commission on the Future of Higher Education’s own report recommended that,

“Postsecondary education institutions should measure and report meaningful student learning outcomes,” the Department of Education spent months rule-making -- attempting to force accreditation bodies to carry out the Commission’s recommendations. Albeit, the Commission explicitly recommends that faculty must be at the forefront of defining educational objectives for students, and, developing meaningful, evidence-based measures of their progress toward those goals. Notwithstanding, higher education institutions should measure student learning using quality-assessment data from instruments which measures the growth of student learning taking place in colleges (Commission, September, 2006). To the contrary, the Department of Education actions, -- and at times, hegemonic ideologies -- transformed the discussion on the future of higher education, into a discourse of regulatory authority versus institutional autonomy. We must return the discussion on the future of higher education in American Colleges and Universities to one of voluntary accountability.

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Secretary Spelling’s unsuccessful *negreg* sessions exerted painstaking pressure that was intended to force the accreditation bodies to use its authority on Colleges to have campuses become transparent and show performance evidence that they are educating their students based on measurable outcomes. The government’s focus should have been on the Colleges, and not the accrediting bodies. However, out of the struggle of the *negreg* sessions emerged

a new idea to create a voluntary system of accountability (VSA), in which the institutions would collect and make public a broad range of information about their performance (Lederman April 10, 2006). VSA is the brain-child of the National Association of State Universities and Land-Grant Colleges, and the American Association of State Colleges and Universities.

Responding to the challenges of the Spellings' Commission for "a robust culture of accountability and transparency throughout higher education" (U. S. Department of Education, 2006, p. 21), the American Association of State Colleges and Universities (AASCU) and the National Association of State Universities and Land-Grant Colleges (NASULGC) are engaged in a joint effort to develop a voluntary system of accountability, a project aiming to make the public get access to the broad information about institutions, ranging from accurate tuition costs to institutional performance in meeting core learning outcomes (Jones, 2007). According to AASCU (2007b), over the course of the next year, AASCU and NASULGC, with funding assistance from The Lumina Foundation for Education, will engage their members in the development of the system with the purpose of widely adopting it.

Task Forces Developing VSA

AASCU and NASULGC have formed seven task forces that address different issues respectively when implementing the VSA project (AASCU, 2007a, 2007b). Situated in a leading position, the Presidential Advisory

Committee is charged with providing guidance to the task forces and work groups.

The System Design and Information Task Force is in charge of exploring overall questions about the VSA; while the Student and Family Information Task Force is charged to answer, “What information would be most helpful to prospective students and their parents in deciding which university best fits their educational wants and needs”, and to address information related to costs of attendance, retention of students and graduation rate outcomes. The Campus Engagement Task Force is responsible for identifying instruments that comprehensively measure student engagement with the campus as well as the methods used to report those instruments and gather information for those instruments. The Core Educational Outcomes Task Force will focus on how the academy can develop useful and credible performance indicators for student learning outcomes and student growth outcomes.

In addition, two technical work groups will be affiliated with the Core Educational Outcomes Task Force to assist its work. One is Technical Work Group on Learning Outcomes, which centers on identifying a small number of educational outcome assessment instruments with the intent of facilitating comparison. The other is Technical Work Group on Student Growth Outcomes, which focuses on developing a list of student growth domains that institutions should assess and demonstrate value added, and take into account items of psychosocial change, attitudes and values, moral development and use of reflective judgment.

Advantages of VSA

According to Carey (2007), “Humans are fallible; they work harder and better if they know someone else is paying attention to how well they do. The same is true for institutions (p. 26). And the federal government policies the activities of institutions in student financial aid, and that’s very important because there is a lot of money involved and there can be fraud (Fusco, 2005). This sentiment was recently echoed by Dr. Kirwan, Chancellor, University System of Maryland, “Before asking people to pay a large amount of money, higher education institutions have the responsibility for giving “them the information they need to make an informed, educated choice by providing clear, concise, relatively standardized data that can be compared across institutions” (2007, p. 23-24). By making institutional performance data availability and transparent to the public, all stakeholders will be better equipped to make data-driven decisions about the performance of postsecondary institutions. The VSA initiative is intended to enable prospective students and their families to understand the details of individual institutions by having access to a trustworthy source of standard data.

This Voluntary System of Accountability promises to put in place policies and procedures that can strengthen the mutual, cooperative relationships between higher learning institutions and the legislators and other policy makers by providing for transparent and comparable data that they have been calling for. “Until higher education is more transparently and strongly accountable”, it will

neither “be able to compete for public support with Medicaid, K-12 education, and public safety”, nor will “be able to convince policymakers to fund student financial-aid programs at levels that match rapidly rising college costs...” (Carey, 2007, p. 29).

A Voluntary System of Accountability will engage all faculty and staff, and consequently empower them to build a better understanding of their institution on a broad scale. Data on such issues like student engagement and learning outcomes will “allow faculty and staff to gain additional knowledge on student learning and student development at their institution”, and resultantly, “determine whether curricular or other change is needed to improve the ability of their students to succeed as employees or in graduate studies” (“The Voluntary System”, 2007, P. 8-9). Although VSA outlines a structure for Colleges to follow, many contemporary University leaders have begun to put systems in place that will streamline data-driven decision making for improving their institution’s performance. When Dr. Todd became President of the University of Kentucky, his first action was to devise a system for rating state universities which involved measuring indicators like graduation rates; the academic quality of entering students; the number of Ph.D.’s being produced; the scholarly citations and awards amassed by the faculty members; and the dollar value of federal research grants awarded to the faculty members. Then, they designated Benchmarks were then designed to measure the University’s progress.

Disadvantages of VSA

According to David Eubanks, Director of Planning, Assessment, and Information Services at Coker College, “a national metric for comparing institutions based on a standardized test like the Collegiate Learning Assessment (CLA) would be a disaster, except for the test publishers” (2006). He indicated that huge incentives would be created to improve the test scores by all means, leading to coaching, faking, and invalidating the scores. Similarly, Pascarella and Terenzini concluded “simple displays based on institutional averages can be misleading if used by prospective students to pick the right school”, holding that “individual student performance typically varies much more within institutions than average performance does between institutions” (as cited in Kuh, 2007, p. 32). The number of the institutions that will participate may have a negative impact on the effectiveness of the VSA. According to Morse (2007), “only a small proportion of four-year colleges will most likely to participate” since the system is voluntary by definition. Outcomes from the National Survey of Student Engagement, and the Collegiate Learning Assessment should not be used as a “one size fit all” national metric for comparing postsecondary institutions. The performance indicators of higher education institutions are much more complex than purchasing an automobile.

Summary

The responsibility to provide students with the highest quality of education possible is the prevailing concern for colleges and universities. To its credit, the Commission on the Future of Higher Education government addressed these shortcomings that have taken place in our higher education institutions. However, due to a perceived lack of action by the institutions, and accrediting agencies, the federal government wants to enact accountability and performance measures to make sure that Colleges and Universities focus more on outputs that promote student success. Nevertheless, because of personal desires for promotion of political ideologies, and even basic power struggles, the government's involvement in accreditation has proven to be a conflict of interest. Though the governments' intentions for accreditation and higher education may appear to be noble, the evidence of their actions to exert influence and ultimately federalize accreditation has been the outcome.

The federal government's involvement in accreditation post the Commission on the Future of Higher Education report is maligned with contradictions in their goals and policies which ultimately come from their innate nature as politicians to placate and please society. As such, authorities tried to come up with replacements for accreditation utilizing the government, but these replacements lack specifics, and all in all lead to a federalization of accreditation.

Accreditation has long been under attack by the government, and with each attack, there have been failures in the system along with injustices. With intimidation and strong-arming, the government has chosen to threaten the significance of the accreditation community, and has even recommended that higher learning institutions be placed under the control of a politically driven machines, to be managed by result driven investors.

In light of these governmental regulatory challenges which have continued to encroach upon the autonomy of institutions and accreditation agencies, higher education leaders must assert greater control. The institution is the only one in position to deal with this issue of quality, not accreditation agencies. These agencies should only ensure quality, and enforce protocols and standards. Autonomy, consistent with mission, must be the domain of the institutions.

Consistent with Hegel's theory of change, the Voluntary System of Accountability (VSA) has been one of the compromises in dealing with the federal government's involvement in assessing student learning outcomes. In this system, institutions would collect and make a public, a broad range of information about their performance. The system would intact task forces to address pertinent information such as; what information is most helpful to prospective parents and students in deciding which university best fits their educational wants and needs, assessment and facilitating, comparisons, student growth domains.

According to Kirwan (2007), the nation “has entered a new era of public accountability”, in which higher education receives a significant amount of taxpayer support and sizable funding from the students as well due to the rising operation costs and fees (p. 22). Under such circumstances, the VSA intends to provide the public with comparable information on higher education institutions by using a common format. So the system “gets credit for being the only such effort underway that will include outcomes and assessment data” (Morse, 2007).

As all stakeholders move to enacting this omnibus 2008 Reauthorization of the 1965 Higher Education Act, it is important that governmental agencies do not lose sight of the true goal of their efforts. In the struggle for power and respect it is easy to forget the ones the fight is being fought for. The students are the most important entity in this struggle for control and influence, and there needs to be consistent and effective evaluations of their institutions to ensure that they are being provided with the tools to make them achieve to the level at which they are capable. Accrediting agencies have a track record of evaluating evidence.

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